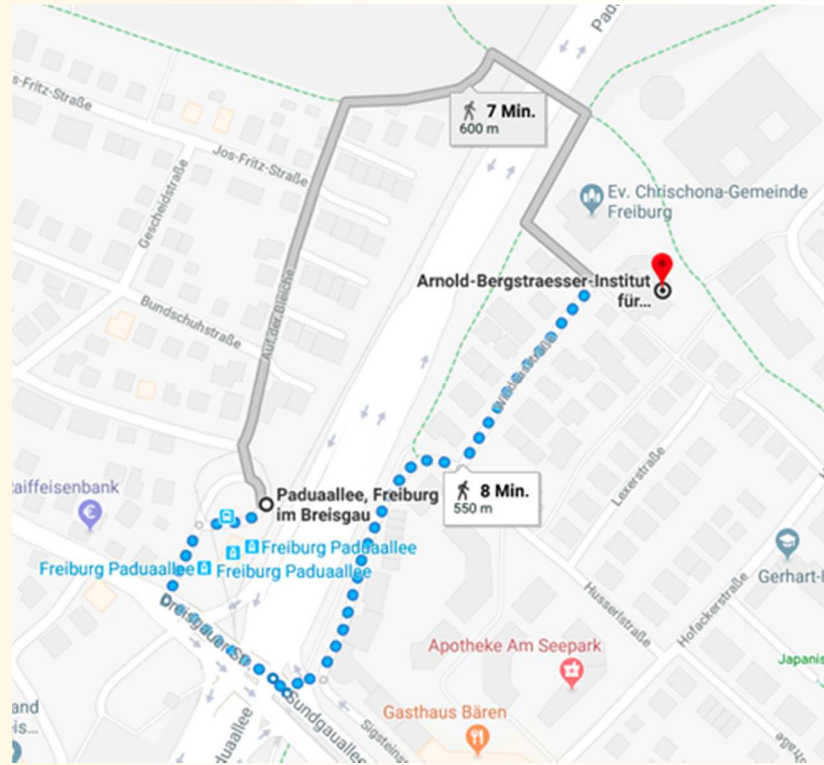


HOW TO GET THERE

From Freiburg mainstation to Arnold-Bergstraesser-Institute (Windausstraße 16, 79106 Freiburg)

From Freiburg main station take tram linie 1 (direction to LANDWASSER) and get off at the stop PADUAALLEE. Take a walk to ABI as indicated by the map.



From Freiburg mainstation to Park Hotel Post (Eisenbahnstraße 35-37, 79098 Freiburg)

Leave the main station at the main exit and cross BISMARCKALLEE to continue on EISENBAHNSTRASSE. Follow the road for about 200 m and you'll find the Park Hotel Post on your left.

WORKSHOP PROGRAMME

ACCESS TO JUSTICE IN BURUNDI

The Contribution of Non-State Dispute Resolution Mechanisms in Enhancing Access to Justice in Burundi

19th September 2018

Arnold Bergstraesser Institute
Windausstraße 16
79110 Freiburg im Breisgau
Germany

BACKGROUND

Effective and efficient access to justice, both civil and criminal is problematic and challenging for many Burundians and for aliens living in Burundi. Article 205 of the Burundi Constitution provides that “Justice shall be rendered by the courts and tribunals over the entire territory of the Republic in the name of the people of Burundi”. Referring to the formal justice system, this provision suggests that state Courts enjoy the monopoly of the administration of justice. However, the formal justice system has shown its limits in providing appropriate, timely and affordable justice to people in need, given the number and significance of barriers that people seeking for justice face.

A review of contemporary comparative legal literature shows growing attention given to non-state and other Alternative Dispute Resolution (ADR) mechanisms as credible avenues to complement state courts to improve access to justice. The United States Institute of Peace and the U.S. Peacekeeping and Stability Operations Institute note that “in societies emerging from conflict, large segments of the population may not have had access to justice. (...). Strengthening access [to justice] also involves engaging the informal sector to enhance its reach , effectiveness, and compliance with human rights standards.”

As far as the issue of access to justice in Burundi is concerned, many studies and reports on one hand emphasize the importance of judicial reforms and acknowledge a strong institutional and financial support in responding to challenges which people are facing in accessing justice. On the other hand, there appears to be a growing consensus among experts that the State’ courts’ system cannot alone meet the ever-increasing demands of the Burundian people in the field of justice. Accordingly, the involvement of non-state justice institutions may positively impact people’s access to justice, particularly for the poor and disadvantaged categories. From this assumption, the question is how, to what extent and under which conditions non-state justice institutions may significantly contribute in enhancing effective access to justice.

PROGRAMME AND SPEAKERS

13:30-14:00	Arrival and Registration of participants
14:00-14:10	Words of Welcome
14:10-14:35	Dr. Aimé-Parfait Niyonkuru: Legal Pluralism and Access to Justice: The Undervalued Role Of Informal Justice Structures And The Customary Law In Access To Justice in Burundi
14:35-15:00	Dr. Didace Kiganahe: Making Non-State Justice Comply with Human Rights Standards. Is The Challenge Surmountable In Today’s Burundi?
15:00-15:25	<i>Coffee break</i>
15:25-15:50	Dr. Bernard Ntahiraja: Should Non-State Justice Have A Place In The Burundi Criminal Justice? What Would Be The Impact In People’s Access To Justice?
15:50-16:50	Roundtable discussion with the panel
16:50-17:00	Closing Words
17:30	<i>Reception</i>

Dr. Didace Kiganahe holds a Ph.D in Laws from the Catholic University of Leuven (KU Leuven, 1992). He is currently an international consultant in Law and institutional reforms (Brussels, Belgium). Prior to that, Dr. Kiganahe was a member of the Burundi Truth and Reconciliation Commission. After a brief career as a lecturer at the National University of Burundi (Université du Burundi), Dr. Kiganahe occupied several high positions in politics (e.g. Minister of Justice, Minister of Good Governance and Deputy speaker of the National Assembly).

Dr. Aimé-Parfait Niyonkuru holds a Ph.D. in Laws from the Catholic University of Leuven (KU Leuven, 2016). He was a lecturer at the University of Burundi. Since October 2013, he is an accredited lawyer with the Burundian Bar Association (BBA). Since February 2017, he is a Phillip Schwartz Fellow at the Arnold-Bergstraesser-Institute in Freiburg, Germany.

Dr. Bernard Ntahiraja holds a Ph.D in Laws from the Catholic University of Leuven (KU Leuven, 2018). He is currently a lecturer and researcher at the Faculty of Law at the University of Burundi. In 2012 he did his Masters in International Law and Dispute Resolution (MA in International Law and the Settlement of Disputes) with the United Nations University for Peace (UPEACE) in San Jose, Costa Rica. Ntahiraja also holds an LL.M in Human Rights and Peaceful Conflict Resolution from the UNESCO-University of Burundi.